THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23392 OF 2005

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Dt:31.10.2005

Between:

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Mullapudi Narayana Sastry Memorial

Oriental High School.

… Petitioner

and

The Govt. of A.P. and others

… Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23392 OF 2005

ORDER:

The petitioner is a High School, established by a private management. It was admitted to grant-in-aid in the year 1977. At a later stage, it submitted a representation in the year 1998 with a request to admit three more posts into grant-

in-aid. Those posts were B.Ed., (Assistant Maths and Science), Hind Pandit and Telugu Pandit. Complaining that no action has been taken thereon by the authorities concerned, the petitioner filed W.P.No.5908 of 2002. The writ petition was disposed of on 02.04.2002 directing the first respondent herein to take immediate steps with reference to the recommendations made by the second respondent and pass orders within three months. Acting on the same, the first respondent issued orders in G.O.Ms.No.115 dated 15.09.2003 admitting two posts B.Ed. (Maths) and Hindi Pandit (Grade II) into grant-in-aid.

At a later stage, one S.G.B.T. Teacher, by name, N.Raghu Ram filed W.P.No.3567 of 2004 alleging that he too was appointed along with the incumbents in the two posts, which were admitted to grant-in-aid and despite the same, his case was not considered. An interim direction was issued by this Court directing the respondents to consider his case. The third respondent passed an order, dated 12.05.2004, stating that his post cannot be considered for admission to grant-in-aid, since it was created in the year 1994-95. The said order was not challenged by Mr.Raghu Ram. The present writ petition is filed by the management seeking directions to the respondents to admit the same post into grant-in-aid.

Sri B.Deva Das, the learned counsel for the petitioner submits that the S.G.B.T. post, which is the subject matter of the writ petition, stands on the same footing, as the other two posts, that were admitted in grant-in-aid. He contends that the S.G.B.T. post was also present in the proposals submitted along with other two posts and on account of some mis-description, the complications arose.

The learned Government Pleader for School Education, on the other hand, submits that the petitioner submitted proposals only for two posts and the very fact that the S.G.B.T. post was not mentioned in the earlier proposals, discloses that it is not on par with the other two posts.

There exists any amount of inconsistency as to the nature of proposals that have been submitted by the petitioner for admission of posts into grant-in-aid. In pursuance of the directions issued by this Court in W.P.No.5908 of 2002, two posts were admitted into grant-in-aid, through orders in G.O.Ms.No.115 dated, 15.09.2005. The petitioner did not assail the action of the Government in admitting only two posts as against the proposal for three. If, in fact, the post of S.G.B.T. was part of the said proposals, it could have agitated instantly.

The learned counsel for the petitioner submits that the two posts referred to above were also created in the year 1994 and the view taken by the third respondent as to the admission of S.G.B.T. post cannot be sustained.

In the state of affairs that exist as of now, no specific direction, as such can be issued. However, if the post was part of the proposals submitted along with the other two posts admitted to grant-in-aid, the respondents are required to bestow their attention afresh.

Hence, the writ petition is disposed of directing that in case the proposals submitted by the petitioner for three posts included the post of S.G.B.T., similar action taken in respect of the other two posts shall also be taken as regards the S.G.B.T. post. The verification and final decision in this regard shall be completed, within a period of four months from the date of receipt of a copy of this order. If any further information is needed, it shall be open to the respondents to require the petitioner to furnish to it.

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31.10.2005

kdl